

### DETAILED ACTION

1. Applicant's election of Group III, E is CR<sup>5</sup>R<sup>6</sup>CN and example 3 as the elected species in the reply filed on Jun. 12, 2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The requirement is still deemed proper and is therefore made FINAL.

Claims 3-6, 10, have been canceled.

Claims 1-2, 7-9, 11-18 have been amended to limiting the scope to the elected invention wherein E is CR<sup>5</sup>R<sup>6</sup>CN. Claims 19-20 are withdrawn from consideration per 37 CFR 1.142(b).

#### 2. *Examiner's Amendment*

Authorization for this examiner's amendment was given in a telephone interview with William B. Kezer on September 3, 2009.

Claim 1, page 5 (6/12/09 amendment), R3 moiety lines 3 and 5 the “[“ and “]” have been elated as typographical errors.

Claim 19, line 1, the term “a disease” and the term “mediated by cysteine proteases” have been deleted;

line 1, *after* the term “treating” insert –psoriasis--.

Claim 20, canceled.

#### 3. *Reason for Allowance*

The following is an examiner's statement of reasons for allowance:

By the above examiner's amendment, applicants have corrected the 112 issues of the claims. The claimed compounds are neither anticipated nor rendered obvious by the art of record. The point of novelty is the limitation of R<sup>4</sup> is –S(O)<sub>2</sub>R<sup>38</sup> wherein R<sup>38</sup> is phenyl or naphthyl optionally substituted. Prior art of record disclosed compounds wherein the moieties corresponding to the instant R4 are not phenyl or naphthyl substituted S(O)<sub>2</sub> (see citation on

Art Unit: 1625

PTO-892, for example the corresponding R<sup>6</sup> i.e. US 6,525,052 col. 9, lines 25-40, being alkyl interrupted by S(O)<sub>2</sub> and substituted by heterocycles), and no motivation for modification to phenyl or naphthyl was suggested.

Applicants have amended claim 19 to be free of 112 issues and canceled claim 20. Therefore, claim 19 is rejoined and the restriction between the compounds and the method claims are withdrawn.

Claims 1-2, 7-9, 11-19 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celia Chang, Ph. D. whose telephone number is 571-272-0679. The examiner can normally be reached on Monday through Thursday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet L. Andres, Ph. D., can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*OACS/Chang*  
*Sept. 8, 2009*

*/Celia Chang/*  
*Primary Examiner*  
*Art Unit 1625*